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Resolution 1856 (2008)

Adopted by the Security Council at its 6055th meeting, on 22 December 2008

The Security Council,

Recalling its resolutions and the statements of its President concerning the Democratic Republic of the Congo, in particular resolution 1843 (2008) and resolution 1794 (2007) and the statements of its President dated 29 October 2008 (S/PRST/2008/40) and 21 October 2008 (S/PRST/2008/38),

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Condemning the Congrès national pour la Défense du people (CNDP) repeated offensive military actions in the past months, which have caused massive displacement of populations in North Kivu as well as cross-border movements of refugees and which have also involved the PARECO and other illegal armed groups, and *condemning* also the attacks by the Lord's Resistance Army (LRA) in the Orientale Province, as well as the resumption of hostilities by illegal armed groups in Ituri,

Underlining that a major obstacle to lasting peace in the Kivus is the presence and activities of illegal armed groups on Congolese territory, including the Forces Démocratiques de Libération du Rwanda (FDLR) as acknowledged by its resolution 1804 (2008), which represent one of the primary causes for the conflict in the region,

Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the SADC Heads of State and Government held in Sandton on 9 November 2008, *welcoming* the appointment of facilitators including the Special Envoy of the Secretary-General for the Great Lakes region, former Nigerian President Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Benjamin Mkapa, *inviting* these facilitators to keep the Council informed of their activities, and *encouraging*

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the countries of the region to maintain this high level of commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and act to assist efforts to resolve the conflict,

Recalling the joint communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the Acte d'engagement which emerged from the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, and *reaffirming* that the Goma and Nairobi processes are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo,

Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolution 1807 (2008) or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development for the Great Lakes Region and *urging* them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo, and *welcoming* the progress made in high-level bilateral talks between the Governments of the Democratic Republic of the Congo and Rwanda,

Recalling also the importance of urgently carrying out comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and the contribution made by international partners in this field,

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo,

Expressing its extreme concern at the deteriorating humanitarian and human rights situation, *condemning* in particular the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, and *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end those violations of human rights and international humanitarian law, in particular those carried out by the militias and armed groups and by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC), the Congolese National Police (PNC) and other security and intelligence services, and to bring the perpetrators, as well as the senior commanders under whom they serve, to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1674 (2006) on the protection of civilians in armed conflicts, and its resolution 1612 (2005) on children in armed conflict, and *recalling* the conclusions of the Security

Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of Congo (S/2008/693),

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolution 1807 (2008),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo and its international partners to consolidate democracy and promote the rule of law, good governance, recovery and development,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Recalling that the temporary increase of MONUC's capacities authorized by its resolution 1843 (2008) aims at enabling MONUC to reorganize, and in particular reconfigure its structure and forces and optimize their deployment, allowing the constitution of a quick-reaction capability to provide greater flexibility to deploy as needed to strengthen efforts to protect civilians and provide additional security in the eastern part of the Democratic Republic of the Congo,

Recognizing that effective coordination between the Government of the Democratic Republic of the Congo and MONUC on security matters in the areas of conflict as well as the accelerated building of credible, cohesive and disciplined Congolese armed forces is essential for the implementation of MONUC's mandate,

Taking note of the fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 21 November 2008 (S/2008/728), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 December 2009 and *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units;

2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo;

3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to:

Protection of civilians, humanitarian personnel and United Nations personnel and facilities

(a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;

(b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons;

(c) Ensure the protection of United Nations personnel, facilities, installations and equipment;

(d) Ensure the security and freedom of movement of United Nations and associated personnel;

(e) Carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance;

Disarmament, demobilization, monitoring of resources of foreign and Congolese armed groups

(f) Deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, foreign or Congolese, particularly in the eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics and undertaking all necessary operations to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in that area;

(g) Coordinate operations with the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law with a view to:

- Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups;
- Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (DDRRR) and the release of children associated with those armed groups;
- Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities;

(h) Facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants;

(i) Contribute to the implementation of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

(j) Use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources;

Training and mentoring of FARDC in support for security sector reform

(k) Provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of international broader efforts to support the security sector reform;

(l) In coordination with international partners, including the European Union operations EUSEC and EUPOL, to contribute to the efforts of the international community to assist the Congolese Government in the initial planning process of the security sector reform, to build credible, cohesive, and disciplined Congolese armed forces and to develop the capacities of the Congolese national police and related law enforcement agencies;

Territorial security of the Democratic Republic of the Congo

(m) Observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes;

(n) Monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution 1533 (2004), including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(o) Seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate;

(p) Provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 8 of resolution 1807 (2008);

(q) Assist the Government of the Democratic Republic of the Congo, in enhancing its demining capacity;

4. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations Country Team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end, to:

(a) Provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels;

(b) Promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society and multi-party democracy, and give the necessary support to the Goma and Nairobi processes;

(c) Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law;

(d) In close coordination with international partners and the United Nations Country Team, provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections;

(e) Assist in the establishment of a secure and peaceful environment for the holding of free and transparent local elections that are expected to be held by the end of June 2009;

(f) Contribute to the promotion of good governance and respect for the principle of accountability;

(g) In coordination with international partners, advise the Government of the Democratic Republic of the Congo in strengthening the capacity of the judicial and correctional systems, including the military justice system;

5. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 3, subparagraphs (a) to (g), (i), (j), (n), (o), and in paragraph 4, subparagraph (e);

6. *Emphasizes* that the protection of civilians, as described in paragraph 3, subparagraphs (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4;

7. *Requests* the Secretary-General to present recommendations in his next three-monthly report on the progressive handover of those tasks listed in paragraph 4, from MONUC to the United Nations country team and bilateral and multilateral partners, as far as the western part of the country is concerned, with a view to reinforcing the action of United Nations peacebuilding mechanisms in the Democratic Republic of the Congo and in order to permit MONUC to concentrate its efforts on the eastern part of the country;

8. *Underscores* the importance of MONUC implementing the mandate described in this resolution in full, including through robust rules of engagement and *requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are updated by 31 January 2009 to bring them fully in line with the provisions of this resolution and to report on it to the Security Council and troop-contributing countries;

9. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the situation in the Democratic Republic of the Congo and on MONUC's activities, and to provide the Security Council, with the same regularity, a specific update on the military situation;

10. *Requests* in particular the Secretary-General, in his next report under paragraph 9 above, to inform the Security Council on the development of a strategic

workplan with appropriate benchmarks to measure and track progress on the implementation the mandate described in paragraphs 3 and 4;

11. *Requests* the Secretary-General to include in his next report a comprehensive assessment of MONUC's DDR and DDRRR programmes and, in close coordination with his Special Envoy for the Great Lakes region, to make recommendations on possible adjustments needed to increase their effectiveness, resourcing and coordination with MONUC's military component;

12. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and, in addition, that MONUC human rights observers are granted access to detention centres and brassage centres, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

13. *Requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem;

14. *Emphasizes* that operations led by the FARDC against illegal foreign and Congolese armed groups should, consistent with the mandate set forth in paragraph 3 subparagraph (g) above, be planned jointly with MONUC and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians;

15. *Takes note* of the measures taken by MONUC to address instances of sexual exploitation and abuse and of the zero-tolerance policy, *requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and violence by civilian and military personnel of MONUC, to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

16. *Encourages* MONUC to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate and activities;

17. *Demands that* all the parties to the Goma and Nairobi processes respect the ceasefire and implement their commitments effectively and in good faith, *calls on* all armed groups to immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and MONUC for their disarmament, repatriation, resettlement and/or reintegration, as appropriate;

18. *Requests* the Secretary-General and his Special Envoy for the Great Lakes region to intensify their good offices, in close consultation with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, in facilitating a political solution to address the underlying causes of the crisis in the

Kivus and calls on the Government of the Democratic Republic of the Congo, the Government of Rwanda and other Governments of the region, international partners and all regional and Congolese parties to cooperate with the Special Envoy of the Secretary-General for the Great Lakes region and with the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

19. *Urges* the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to take concrete steps to defuse tensions, including through reactivating the Joint Verification Mechanism, and to step up their cooperation in order to implement fully the commitments taken in their joint communiqué signed in Nairobi on 9 November 2007 (S/2007/679), in particular to address as a priority the disarmament and repatriation of the FDLR working in close cooperation with the Special Envoy of the Secretary-General for the Great Lakes region and MONUC;

20. *Urges* all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and abide by their commitments made at the Tripartite Plus meeting of September 2007 to establish bilateral diplomatic relationships;

21. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, *encourages* in particular the Government of the Democratic Republic of the Congo, to work with specialist organizations, international financial institutions and MONUC, as well as the countries of the region, to establish a plan for an effective and transparent control over the exploitation of natural resources including through conducting a mapping exercise of the main sites of illegal exploitation;

22. *Requests* the Government of the Democratic Republic of the Congo, with the support of the international community and of MONUC, to develop and implement as a matter of urgency a comprehensive national security sector reform strategy, including based on the outcome of the Roundtable on Security Sector held in February 2008, in order to establish professional security organizations in the areas of defence, police and the administration of justice that protect civilians, are well managed, and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law and urges the Congolese Government to ensure the sustainability of the support given by its partners in this area in particular by giving priority to the reform of the administration and command structures of FARDC and all its other security forces and reiterates its call upon the Congolese authorities to establish a vetting mechanism to take into account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights;

23. *Demands that* all parties ensure timely, safe and unhindered access of all humanitarian actors and comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law;

24. *Demands*, recalling its resolution 1698 (2006), that all armed groups, in particular the forces of Laurent Nkunda, the FDLR and the LRA immediately stop recruiting and using children and release all children associated with them;

25. *Recalls* the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities;

26. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

27. *Decides* to remain actively seized of the matter.